

AN ACT concerning State government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Lease of Closed State Properties Act.

Section 5. Definitions. As used in this Act:

"Agency" means the Illinois Historic Preservation Agency.

"Department" means the Department of Natural Resources.

"Local entity" means a unit of local government or public college or university located in Illinois.

Section 10. Lease of closed State properties.

(a) Notwithstanding any other law, the Department and the Agency shall each offer to qualified interested local entities the opportunity to assume the operation and maintenance of any closed State park or closed State historic site, under the Department's or Agency's jurisdiction, through a lease established at the discretion of the Department or Agency. In addition, the Department and Agency may reject any offer and may select an interested local entity after a request for offers or request for proposals process. Notwithstanding any other provision of this Act, the Department or Agency may determine that a particular park or site, due to the value of

the artifacts or exhibits or due to security issues or any other operational concerns, shall not be considered for leasing. The lease shall be awarded to the highest bidder that the Department or Agency deems to be the most qualified to operate and maintain the park or site.

(b) The lease shall be acceptable to both parties and must, at a minimum, contain provisions:

(1) Requiring the local entity to agree to release the State, the Agency, and the Department from any and all liability for damages or injuries arising at the park or site during the lease period.

(2) Authorizing the Department or Agency to terminate the lease of a park or site after giving written notice to the local entity at least 60 days before terminating the lease.

(3) Establishing a lease term that is at least one year but no more than 3 years in length, and providing an option to extend the lease term, upon the written agreement of all of the parties to the lease, for an additional 2 years.

(4) Requiring the local entity to comply with the consultation requirements of the Endangered Species Protection Act, the Illinois Natural Areas Preservation Act, and the Wetlands Protection Act and with all recommendations arising out of a consultation under one or more of those Acts.

(5) Prohibiting the local entity from undertaking

activities related to road repair or development, tree or brush clearing, trail development, landscaping, wetland draining or filling, excavation, or similar work affecting the landscape and character of the park or site, without the express approval of the Agency or Department.

(6) Authorizing the Department or Agency to require the special care of artifacts or storage of certain artifacts, or the exclusion of all artifacts when determined appropriate by the Department or Agency. Human skeletal remains and artifacts shall be turned over to the Illinois State Museum.

(7) Authorizing the Agency or the Department to assign any concession leases, service contracts, or activity use agreements to the local entity at the time that the lease is executed.

(8) Requiring each new or additional concession lease to be approved in writing by the Agency or Department before the execution of such a lease by the local entity.

(9) Requiring the local entity to maintain the property in a manner consistent with its status as a State park or site and as otherwise required by State law.

(10) Requiring the local entity to take responsibility for all costs, if any, associated with restoring the park or site to its pre-lease character and condition.

(c) All revenues generated by a local entity's operation of a park or site during a lease under this Act shall be retained

by that local entity and must be used for the operation, maintenance, or operation and maintenance of that park or site.

(d) Upon expiration or termination of a lease under this Act, the local entity shall be reimbursed by the Department or Agency, as the case may be, for the undepreciated portion of any improvements to the park or site made or paid for by the local entity during the period of the lease. All improvements shall be subject to the advance written approval of the Department or Agency. The local entity shall be reimbursed only after establishing, to the satisfaction of the Department or Agency, that (i) the local entity has complied with the lease provision required by subdivision (b)(5) of this Section and (ii) the improvements to the park or site that were made or paid for by the local entity extend beyond the applicable lease period.

(e) This Act is subject to and superseded by any federal law, regulation, condition, or stipulation prohibiting the lease of a park or site.

Section 15. Collective bargaining work. A lessee under this Act shall contract with the State for all work that, if performed by employees of the State, would be performed by employees, as defined in the Illinois Public Labor Relations Act. The State shall be the employer of all non-managerial, non-supervisory, and non-confidential employees, as defined in the Illinois Public Labor Relations Act. Employees performing

Public Act 096-0557

HB0037 Enrolled

LRB096 02981 JAM 12995 b

such work shall be State employees as defined by the Personnel Code. Neither historical representation rights under the Illinois Public Labor Relations Act nor existing collective bargaining agreements shall be disturbed by the lease of a State park or State historic site.

Section 25. Repeal. This Act is repealed December 31, 2014.

Section 99. Effective date. This Act takes effect upon becoming law.